

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,
v.

AT&T SERVICES INC.; AT&T MOBILITY
LLC; and AT&T CORP.,

Defendants,

NOKIA OF AMERICA CORPORATION and
ERICSSON INC.,

Intervenors.

Case No. 2:23-cv-00202-JRG-RSP
(Lead Case)

JURY TRIAL DEMANDED

**JOINT MOTION TO EXTEND DEADLINE TO FILE CERTAIN
MOTION TO COMPEL**

Plaintiff XR Communications LLC dba Vivato Technologies (“Plaintiff”) and Defendants AT&T Corp., AT&T Mobility LLC, and AT&T Services, Inc. (AT&T), Verizon Communications, Inc. and Cellco Partnership d/b/a Verizon Wireless (“Verizon”), T-Mobile USA, Inc. (“T-Mobile”), and Intervenors Ericsson Inc. (“Ericsson”) and Nokia of America Corporation (“Nokia”) (collectively, “Defendants/Intervenors”) (collectively “the Parties”) hereby jointly file this motion to extend the deadline to file, if necessary, Defendants’/Intervenors’ Motion To Compel Plaintiff To Produce Corporate Financial Information in the above-captioned, consolidated cases. Currently, the deadline to file motions to compel is April 4, 2025, Dkt. No. 143, and the Parties ask for a brief extension of the deadline with respect to this Motion to 5pm CT on Wednesday, April 9, 2025.

The Parties are continuing to meet and confer in an attempt to resolve this disputed issue, which arose at the end of the fact discovery period, with the intent of avoiding the need to file this Motion.

This extension is not sought for purposes of delay, and the Parties do not anticipate this extension to affect any other deadlines in this case.

A proposed order is attached herewith.

Dated: April 4, 2025

Respectfully submitted,

/s/ Marc Fenster
Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
James Pickens
CA State Bar No. 307474
Jonathan Ma
CA State Bar No. 312773
Christian W. Conkle
CA State Bar No. 306374
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
rak_vivato@raklaw.com

Qi (Peter) Tong
TX State Bar No. 24119042
RUSS AUGUST & KABAT
4925 Greenville Ave, Suite 200
Dallas, TX 75206
Telephone: 310-826-7474
rak_vivato@raklaw.com

Counsel for Plaintiff

/s/ Matthew S. Yungwirth
Deron R. Dacus (TBN 00790553)
ddacus@dacusfirm.com
THE DACUS FIRM, P.C.
821 ESE Loop 323
Suite 430
Tyler, Texas 75701
Telephone: 903.705.1117
Facsimile: 903.581.2543
Email: ddacus@dacusfirm.com

Matthew S. Yungwirth
Email: msyungwirth@duanemorris.com
John R. Gibson
Email: jrgibson@duanemorris.com
Alice E. Snedeker
aesnedeker@duanemorris.com
DUANE MORRIS LLP
1075 Peachtree Street NE, Suite 1700
Atlanta, GA 30309
Telephone: (404) 253-6900

Melissa R. Smith (TBN 24001351)
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

William A. Liddell
waliddell@duanemorris.com

DUANE MORRIS LLP
2801 Via Fortuna
Suite 200
Austin, Texas 78746-7567
Telephone: (512) 277-2272
Facsimile: (512) 227-2301

Tyler Marandola
tmarandola@duanemorris.com
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103
Telephone: (215) 979-1000

Elissa Sanford
esanford@duanemorris.com
DUANE MORRIS LLP
901 New York Avenue NW
Suite 700 East
Washington, D.C. 20001-4795
Telephone: (202) 776-5231

Counsel for Defendants/Intervenors

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 4, 2025.

/s/ Matthew S. Yungwirth
Matthew S. Yungwirth

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for the Parties met and conferred to discuss the substantive issue addressed in this Motion pursuant to Local Rule CV-7(h), including but not limited to a telephonic meet and confer between lead and local counsel for the parties. The Parties agree to the relief requested in this Motion.

/s/ Matthew S. Yungwirth
Matthew S. Yungwirth